

1 PAUL J. ANDRE, Bar No. 196585
(pandre@perkinscoie.com)
2 LISA KOBIALKA, Bar No. 191404
(lkobialka@perkinscoie.com)
3 ESHA BANDYOPADHYAY, Bar. No. 212249
(ebandyopadhyay@perkinscoie.com)
4 SEAN M. BOYLE, Bar No. 238128
(sboyle@perkinscoie.com)
5 PERKINS COIE LLP
101 Jefferson Drive
6 Menlo Park, CA 94025
Telephone: (650) 838-4300
7 Facsimile: (650) 838-4350

8 Attorneys for Defendant
The Freecycle Network, Inc.
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FREECYCLESUNNYVALE,
a California unincorporated association,

Plaintiff,

v.

THE FREECYCLE NETWORK, INC.,
an Arizona corporation,

Defendant.

THE FREECYCLE NETWORK, INC.
an Arizona corporation,

Counterclaimant,

v.

FREECYCLESUNNYVALE,
a California unincorporated association,

Counterdefendant.

CASE NO. C 06-00324 CW

DECLARATION OF LISA KOBIALKA
IN SUPPORT OF THE FREECYCLE
NETWORK, INC.'S MOTION TO
STRIKE UNDER F.R.C.P. 37(c).

Date: September 27, 2007
Time: 2:00 p.m.
Before: Honorable Claudia Wilken
Location: Courtroom 2

1. I am a partner with the law firm of Perkins Coie LLP, counsel of record for Defendant and Counterclaimant The Freecycle Network, Inc. ("The Freecycle Network"). I have personal knowledge of the facts set forth in this declaration and can testify competently to those facts.

2. On August 30, 2007, I sent Dennis Corgill, counsel for Plaintiff, an email regarding the deposition of Miles Dennis Robertson, Jr. and The Freecycle Network's intention to file this Motion to Strike and request for an expedited briefing schedule. Attached hereto as Exhibit A is a true and correct copy of my August 30, 2007 email to Mr. Dennis Corgill. Attached hereto as Exhibit B is a true and correct copy of a August 31, 2007 letter from Mr. Corgill.

3. Before The Freecycle Network had an adequate opportunity to depose Mr. Robertson, Plaintiff filed its Motion for Reconsideration requesting the Court to move the hearing date of the MSJ. The Court granted the Plaintiff's Motion, which requires The Freecycle Network's opposition papers to be submitted to the Court on or before September 6, 2007.

I declare under penalty of perjury under the laws of the United States of American that the foregoing is true and correct. Executed in Menlo Park, California on September 4, 2007.

By /s/ Lisa Kobialka
Lisa Kobialka
Attorney for Defendant and Counterclaimant
The Freecycle Network, Inc.